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April 14, 2025

Via ECF

Honorable Zahid N. Quraishi, U.S.D.J.
United State District Court for the District of New Jersey
402 East State Street
Trenton, NJ 98608

Re: *Jett Elad v. National Collegiate Athletic Association*
Case No. 3:25-cv-01981

Dear Judge Quraishi:

We write on behalf of the National Collegiate Athletic Association (NCAA) concerning the upcoming hearing on April 16, 2025 on Plaintiff's motion for a preliminary injunction. In response to the Court's Order of earlier today, and for the reasons stated in our prior letter of April 11, 2025, the NCAA withdraws the declaration of Dr. Backus and will proceed with the declaration and testimony of Dr. Flyer, who responds directly to Dr Maxcy's declaration dated April 4, 2025.

For purposes of clarity, the NCAA's decision is limited to the declaration, dated March 27, 2025, attached to the NCAA's opposition brief and the designation of witnesses for the April 16, 2025 preliminary injunction hearing. To the extent that this matter advances into expert discovery on the merits of plaintiff's claim, the NCAA reserves the right to, if it so chooses, designate Dr. Backus as an expert at the appropriate time under Rule 26.

Respectfully submitted,

HOLLAND & KNIGHT LLP

Kenneth L. Racowski